

BILL ANALYSIS

S.B. 1445
By: Averitt
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The USA Patriot Act, which is intended to help fight terrorist funding, requires financial institutions to have comprehensive customer identification programs in place. These programs include verifying the identity of all customers. Currently, there is commercially available equipment which reads the magnetic stripe on a driver's license or a personal identification certificate to determine whether it matches the information on the front of the license or certificate. Senate Bill 1445 facilitates compliance with the USA Patriot Act and provides a penalty for misusing, compiling or maintaining a database of the electronically readable information from a driver's license, commercial driver's license, or personal identification certificate.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

Senate Bill 1445 amends Section 521.126 of the Transportation Code by adding Subsection (b), which provides that a person commits an offense if the person accesses or uses the electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate or compiles or maintains a database of electronically readable information from driver's licenses, commercial driver's licenses, or personal identification certificates. The penalty for an offense under Subsection (b) is a Class A misdemeanor. The bill deletes language requiring the Texas Department of Transportation to take necessary steps to ensure that the information is used for law enforcement or government purposes.

The prohibition provided by Subsection (b) does not apply to:

- an officer or employee of the Department of Public Safety who accesses or uses the information for law enforcement or government purposes;
- a peace officer acting in the officer's official capacity;
- a license deputy issuing a license, stamp, tag, permit, or other similar item through use of a point-of-sale system under Section 12.703, Parks and Wildlife Code; or
- a person acting as authorized by Section 109.61, Alcoholic Beverage Code.

Senate Bill 1445 adds Subsection (e) to Section 521.126, Transportation Code, which provides that the prohibition for accessing and using electronically readable information does not apply to a financial institution if the information is accessed and used only for the purposes of identification of an individual. The prohibition against compiling and maintaining a database of electronically readable information does not apply to a financial institution if each license or certificate holder consents to the inclusion of his/her information in the database.

Senate Bill 1445 prohibits a person from using electronically readable information on the driver's license for telephone solicitation purposes.

EFFECTIVE DATE

This Act takes effect September 1, 2003.